

## REMARKS

Claims 1-69 are pending in this application.

Claims 16-60 have been withdrawn from consideration as being drawn to a non-elected invention. New claims 61-69 have been added. Therefore, claims 1-15 and 61-69 remain pending in present application.

Claims 1-15 have been amended to more clearly set forth the invention. More specifically, claims 1-15 have been amended to correct typographical and stylistic errors. Additionally, claims 3-4, 6, 8, 10, and 12-15, have been amended to be in proper Markush form.

Newly added dependent claims 61-69 all depend directly or indirectly from claim 1. New claims 61-64 are directed to a topical pharmaceutical composition, effective for the treatment of dermatological diseases, disorders or pathologies. New claims 65-69 are directed to a topical pharmaceutical composition effective for the treatment of inflammatory dermatological diseases, disorders or pathologies, provided that when the inflammatory disease, disorder or pathology is atopic dermatitis or manifested by pruritus, the cyclic psychotropic agent is not doxepine. Support for newly added claims 61-69 can be found throughout the specification and claims as originally filed.

Applicants thank the Examiner for indicating that newly added claims 61-69 would be Examined with the claims of Group I during the telephone discussion between Applicants' representative and the Examiner on September 21, 2006

No new matter has been added.



In view of the following, further and favorable consideration is respectfully requested.

***I. Response to Restriction Requirement***

Responsive to the Restriction Requirement dated September 5, 2006, issued in the above-identified application, Applicants hereby provisionally elect the claims of "Group I," corresponding to claims 1-15, which are drawn a pharmaceutical composition comprising a topically acceptavle carrier and a cyclic psychotropic agent other than doxepine or tomoxetine, classified in class 514, subclass 215, 217, 239.2, 320, 384, 438, 450, 506, 647, and 648, for example. Applicant's election is made without traverse.

Newly added claims 61-69 are all directed to the invention of Group I. New claims 61-69 are all drawn to pharmaceutical compositions comprising a topically acceptavle carrier and a cyclic psychotropic agent other than doxepine or tomoxetine. As indicated by the Examiner, these claims should be examined with the claims of Group I as they are all drawn to one invention.

Applicants reserve the right to file one or more divisional applications directed to the non-elected subject matter. Having made the required election, an early and favorable action on the merits is earnestly solicited.

### CONCLUSION

In view of the foregoing, Applicants submit that the application is in condition for allowance. Early notice to that effect is earnestly solicited. The Examiner is invited to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants hereby petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**



Gary M. Nath  
Registration No. 26,965  
Susanne M. Hopkins  
Registration No. 33,247  
Ari G. Zytcer  
Registration No. 57,474  
Customer No. 20259

Date: September 26, 2006  
NATH & ASSOCIATES PLLC  
112 South West Street  
Alexandria, VA 22314  
Tel: (703) 548-6284  
Fax: (703) 683-8396